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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,093	07/07/2000	Yoshiki Kawaoka	0905-0241P-SP	7853
2292	7590	12/22/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WALLERSON, MARK E	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/612,093

Applicant(s)

KAWAOKA ET AL.

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 3-5 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 3-5 and 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**Part III DETAILED ACTION**

*Notice to Applicant(s)*

1. This action is responsive to the following communications: amendment filed on **10/7/2005**.
2. This application has been reconsidered. Claims 3-5 and 22-33 are pending.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 22, 25, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cok (U.S. 6,157,436) in view of Tamura et al (Tamura) (U.S. 6,771,896).

With respect to claims 3, 22, 25, 28, and 31, Cok discloses a print order system (figure 1), comprising: a print order device (100 and 102) and a print processing device (170 and 130) which can mutually communicate data (column 7, lines 12-40), wherein the print order device comprises: a storage medium receiving device for receiving a storage medium (column 5, line 61 to column 6, line 1 and column 7, lines 12-40); an image data transmitting device (102) for transmitting to the print processing device image data representing an image to be printed (column 8, lines 21-46), the image being read from the received storage medium (column 7, lines 12-40 and column 6, lines 18-25); and an order data transmitting device (102) for transmitting order data including a number of print copies of the image to be printed to the print processing

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device in correlation with the image data transmitted from the image data transmitting device (column 8, lines 21-46 and the abstract), and the print processing device (170 and 130) comprising an image data receiving device (170) for receiving the image data transmitted from the image data transmitting device of the print order device (column 8, lines 21-32); an order data receiving device (170) for receiving the order data transmitted from the order data transmitting device of the print order device (column 8, lines 21-46); and a printer control device for controlling a printer to print an image represented by the image data received by the image data receiving device, according to the order data received by the order data receiving device (column 8, line 21 to column 9, line 3).

Cok differs from claims 3, 22, 25, 28, and 31 in that he does not clearly disclose the print processing device further includes a calculating device for calculating a print end time of the printer according to the image data transmitted from the image data transmitting device of the print order device, the order data transmitting; from the order data transmitting device and an order reception state of the printer, and wherein the print processing device further includes an end time data transmitting device for transmitting, to the print order device, data representing the print end time calculated by the calculating device, the data representing the print end time being output to a user by the print order device.

Tamura discloses a print processing device that includes a calculating device for calculating a print end time of a printer (220) according to the image data transmitted from the image data transmitting device of the print order device (210), the order data transmitted from the order data transmitting device and an order reception state of the printer (column 11, lines 6-31), and wherein the print processing device further includes an end time data transmitting

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device for transmitting, to the print order device, data representing the print end time calculated by the calculating device, the data representing the print end time being output to a user by the print order device (column 11, lines 6-31 and column 12, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Cok to transmit the print end time to the order device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Cok by the teaching of Tamura in order to improve the efficiency of the print system.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 23, 26, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cok in view of Farros et al (Farros) (U.S. 5,930,810).

With respect to claims 4, 23, 26, 29, and 32, Cok discloses a print order system (figure 1), comprising: a print order device (100 and 102) and a print processing device (170 and 130) which can mutually communicate data (column 7, lines 12-40), wherein the print order device comprises: an image data transmitting device (102) for transmitting to the print processing device image data representing an image to be printed (column 8, lines 21-46); and an order data transmitting device (102) for transmitting order data including a number of print copies of the image to be printed to the print processing device in correlation with the image data transmitted from the image data transmitting device (column 8, lines 21-46 and the abstract), and the print

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processing device (170 and 130) comprising an image data receiving device (170) for receiving the image data transmitted from the image data transmitting device of the print order device (column 8, lines 21-32); an order data receiving device (170) for receiving the order data transmitted from the order data transmitting device of the print order device (column 8, lines 21-46); and a printer control device for controlling a printer to print an image represented by the image data received by the image data receiving device, according to the order data received by the order data receiving device (column 8, line 21 to column 9, line 3).

Cok differs from claims 4, 23, 26, 29, and 32 in that he does not clearly disclose calculating a print charge according to the image data transmitted from the print order device. Farros discloses a printing system in which the print charge is calculated from the transmitted data (column 5, lines 1-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Cok to calculate a print charge according to the image data transmitted from the print order device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Cok by the teaching of Farros in order to improve the efficiency of the system.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 24, 27, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cok in view of Streefkerk et al (Streefkerk) (U.S. 6,058,277) and further in view of Farros.

With respect to claims 5, 24, 27, 30 and 33 Cok discloses a print order system (figure 1), comprising: a print order device (100 and 102) and a print processing device (170 and 130) which can mutually communicate data (column 7, lines 12-40), wherein the print order device comprises: an image data transmitting device (102) for transmitting to the print processing device image data representing an image to be printed (column 8, lines 21-46); and an order data transmitting device (102) for transmitting order data including a number of print copies of the image to be printed to the print processing device in correlation with the image data transmitted from the image data transmitting device (column 8, lines 21-46 and the abstract), and the print processing device (170 and 130) comprising an image data receiving device (170) for receiving the image data transmitted from the image data transmitting device of the print order device (column 8, lines 21-32); an order data receiving device (170) for receiving the order data transmitted from the order data transmitting device of the print order device (column 8, lines 21-46); and a printer control device for controlling a printer to print an image represented by the image data received by the image data receiving device, according to the order data received by the order data receiving device (column 8, line 21 to column 9, line 3) and printing according to a sequence of the order data (column 3, lines 2-27).

Cok differs from claims 5, 24, 27, 30, and 33 in that he does not clearly disclose changing a print sequence. Streefkerk discloses a printing system wherein the user may change a sequence of printing (column 6, lines 31-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Cok in order to change a print sequence. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to have modified Cok by the teaching of Streefkerk in order to improve the user efficiency.

Cok also differs from claims 5, 24, 27, 30, and 33 in that he does not clearly disclose that the user accepts a print charge associated with the print sequence change. Farros discloses that the billing information is sent to the user upon completion of the printing (column 5, lines 33-50). One of ordinary skill in the art could certainly understand that the billing information or cost of the print job would include any additional costs (including a sequence change) associated with the print order.

### ***Response to Arguments***

9. Applicant's arguments filed 10/7/2005 have been fully considered but they are not persuasive.

With respect to claims 3, 22, 25, 28, and 31, Applicant submits that Cok does not disclose a receiving device for receiving a storage medium and means for reading the storage medium. The Examiner disagrees. Cok discloses a storage medium receiving device for receiving a storage medium (column 5, line 61 to column 6, line 1 and column 7, lines 12-40), the image being read from the received storage medium (column 7, lines 12-40 and column 6, lines 18-25).

With regard to claims 4, 23, 26, 29, and 32, Applicant submits that Cok and Farros fail to disclose calculating a print charge according to the image and order data. Again, the Examiner disagrees. Farros discloses a printing system which calculates a print charge based on a received print order (column 5, lines 20-48 and column 6, lines 38-51).



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With respect to claims 5, 24, 27, 30, and 33, Farros discloses that the billing information is sent to the user upon completion of the printing (column 5, lines 33-50). One of ordinary skill in the art could certainly understand that the billing information or cost of the print job would include any additional costs (including a sequence change) associated with the print order.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

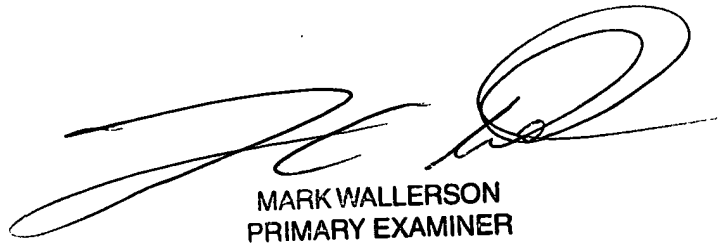
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson  
Primary Examiner  
Art Unit 2626



MARK WALLERSON  
PRIMARY EXAMINER